

REMARKS:

Upon entry of this amendment, claims 3, 4, 6-13, and 17-36 will be pending in the above-identified application. Claims 1-2, 5, 14-16 were previously canceled.

Reconsideration and allowance of all claims are respectfully requested in view of the amendments and the following remarks.

Double Patenting

Claims 3-4, 6-13, 17-22, 24, 26-27, 29-30, 32, 34-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,410,277 (Barnes) in view of U.S. Patent No. 5,413,924 (Kosak et al.).

Claims 23, 25, 28, 31, 33 and 36 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,410,277 (Barnes) in view of Barnes (Proc. Natl. Acad. Sci., 1994, 91:2216-2220).

Claims 3-4, 6-13, 17-19, 29-30, 32, 34-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-16 of U.S. Patent No. 5,436,149 (Barnes).

Claims 3-4, 6-13, 17-22, 24, 26-27, 29-30, 32, 34-35 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims 1-27 of co-pending application number 08/483,535. These rejections are respectfully traversed. Reconsideration and withdrawal of each of such rejections are requested.

Applicant submits herewith Terminal Disclaimers over U.S. Patent No. 6,410,277; U.S. Patent No. 5,436,149; and over co-pending application number 08/483,535.

In view of these Terminal Disclaimers, Applicant submits that the present rejections are moot. Withdrawal thereof is requested.

Section 102

Claims 23, 25, 28, 31, 33 and 36 were rejected under 35 U.S.C. 102(b) as being anticipated by Barnes (Proc. Natl. Acad. Sci., 1994, 91:2216-2220). It is believed that this rejection is based on the perceived lack of antecedent support for "Klentaq1" or "Klentaq 1" referenced in such claims. This rejection has been rendered moot by the amendment substituting "Klentaq-278" as the enzyme referenced in the claims, which the Examiner has acknowledged is sufficiently supported. Accordingly, this rejection is respectfully traversed. Withdrawal thereof is requested.

CONCLUSION:

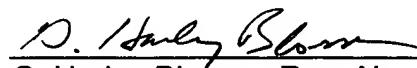
For all the reasons set forth above, Applicant submits that the present claims are in condition for allowance. Accordingly, passage to Issue of the present application is believed to be in order, and is respectfully requested.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-3140 \$950.00 for a three month extension of time and any other fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application.

Attachment: Terminal Disclaimers

Respectfully submitted,


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